

Remarks

Reconsideration of finally rejected claims 1-13 is respectfully requested.

In the Office action dated June 2, 2004 (application Paper No. 7), the Examiner issue a final rejection of all pending claims under 35 USC §103(a). The Examiner's various rejections will be discussed below in the order appearing in the Office action.

35 USC § 103(a) Rejection - Claims 1-3, 13

The Examiner first rejected claims 1-3 and 13 under 35 USC 103(a) as being unpatentable over US Patent 6,799,063 (Krane), of record, when considered with US Patent 6,060,939 (Fung et al.). In particular, the Examiner cited Krane as teaching a "system" for providing announcements/prompts, the system including "a centralized service" (e.g., Web site server), a "telecommunications device" disposed near the user (e.g., Web access server), and a telephone as the "communication device". The Fung et al. reference was cited by the Examiner as teaching "downloading a predetermined subset of files associated with said user characteristics from said plurality of files". The Examiner then concluded that: "it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Krane with Fung's teaching with regards to this limitation [downloading a predetermined subset], with the motivation of increasing the ease with the receive of the files can overcome language difficulties".

In response to the Examiner's rejection, applicant has further amended claim 1 to clearly the "subset of files associated with said user characteristics from said plurality of files" as being "user-specified". In contrast, Fung et al. discloses an arrangement where the "*calling party*" determines the particular prompt language to use with the called party. In comparison to the subject matter of the present invention, the "user"/"subscriber"/"client" can be likened to the called party. The "called party" in Fung et al. has no input to the language selection process; the calling party is the "subscriber" to the service and is defined as the individual permitted access to the system

and to select a specific language. See, for example, column 2, line 62, which defines selection either by “geographic location” of the called party, or “by a selection of a plurality for languages by the calling party for their called parties”. The result of the combination of Krane and Fung et al., it is asserted, results in a “talking web page” access system, as defined by Krane, where the language used for “talking” is selected based on the geography of the user (as related to the “called party”). There is, essentially, no “calling party” in Fung et al.

Based on above discussion and amendments to claim 1, therefore, applicant believes that claims 1-3 and 13 are not rendered obvious by the combination of Krane and Fung et al. and thus respectfully request the Examiner to reconsider this rejection and find claims 1-3 and 13 to be in condition for allowance.

35 USC § 103(a) Rejection - Claims 4-7, 9 and 11-12

Claims 4-7, 9 and 11-12 were issued a final rejection by the Examiner under 35 USC 103(a) as being unpatentable over the combination of Krane and Fung et al. (as applied to claim 1, above) in further view of US Patent 6,222,838 (Sparks), of record. In light of the amendment to independent claim 1, it is asserted that claims 4-7 are likewise allowable over the combination of Krane, Fung et al. and Sparks.

In the rejection, the Examiner cited Sparks as teaching the use of a computer as the “at least one communication device”, thus inputting “selections” via keystrokes. While this is true, the combination of Sparks with Krane and Fung et al. still lacks the initial teaching of allowing the user/client/subscriber to self-select a set of prompts to use, based on a set of input selections. Thus, applicant asserts that the combination of Krane, Fung et al. and Sparks cannot be used to render obvious the teaching of the present invention as defined by amended 4, or claims 5-7.

With respect to claims 9 and 11-12, applicant asserts that this cited combination of references does not disclose or suggest determining “subscriber-specific characteristics from subscriber input”, as defined by amended claim 9. As discussed above, the criteria used for file selection as described in the cited references is based on either geography of

the “user”, or a selection made by the “sender” of information (i.e., the calling party). The desires of the “user” (called party) are not considered. Based on this distinction, and the associated amendment to claim 9, applicant respectfully requests the Examiner to reconsider this rejection and find claims 9 and 11-12 to be in condition for allowance.

35 USC § 103(a) Rejection - Claim 8

Claim 8 was next rejected by the Examiner under 35 USC 103(a) as being unpatentable over the combination of Krane and Fung et al. (as applied to claim 1), in further view of US Patent 6,505,255 (Akatsu et al.), of record. The Akatsu et al. reference is cited by the Examiner as specifically teaching the use of an HFC network. Regardless of the teaching of Akatsu et al., applicant asserts that the combination still lacks any teaching of “downloading a user-specified subset of files associated with said user characteristics from said plurality of files”, as defined by amended claim 1 (from which claim 8 depends). Based on this lack of teaching, therefore, applicant respectfully requests the Examiner to reconsider this rejection and find claim 8 to be in condition for allowance.

35 USC § 103(a) Rejection - Claim 10

Lastly, the Examiner issued a final rejection of claim 10 under 35 USC 103(a) as being unpatentable over the combination of Krane, Fung et al. and Sparks (as applied above), in further view of US Patent 6,058,166 (Osder et al.), of record. The Osder et al. was cited by the Examiner as teaching the use of language. While this may be a correct teaching of Osder et al., it is asserted that Fung et al. is also associated with the “language” of the prompt set selected for use (as selected by the *calling party*). Therefore, the Osder et al. reference is not considered to add any substantial new teaching to the cited combination of references. Thus, applicant asserts that the arrangement of

claim 10, as depending from amended claim 9, is also allowable over the cited combination of references.

Applicant believes that the case, in its present form, is now in condition for allowance and respectfully requests an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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